

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:25-cv-21291-LEIBOWITZ/AUGUSTIN-BIRCH

SHELBY MAYES,

*Plaintiff,*

*v.*

J & J GREEN PAPER, INC., *et al.*,

*Defendants.*

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**ORDER OF REFERENCE TO MAGISTRATE JUDGE**

**THIS CAUSE** is before the Court on the parties' Joint Consent to U.S. Magistrate Judge Jurisdiction (the "Consent") [ECF No. 53] in this Fair Labor Standards Act case.

The Federal Magistrate Act provides that:

Upon the consent of the parties, a full-time United States magistrate judge or a part-time United States magistrate judge who serves as a full-time judicial officer may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts he serves.


28 U.S.C. § 636(c)(1). "Unlike nonconsensual referrals of pretrial but case-dispositive matters under § 636(b)(1), which leave the district court free to do as it sees fit with the magistrate judge's recommendations, a § 636(c)(1) referral gives the magistrate full authority ... all without district court review." *Roell v. Withrow*, 538 U.S. 580, 585 (2003).

Federal Rule of Civil Procedure 73(a) provides that "a magistrate judge may, if all parties consent, conduct a civil action or proceeding, including a jury or nonjury trial." Fed. R. Civ. P. 73(a). Rule 73(a) "incorporates by reference the jurisdictional provision of § 636(c) but more clearly indicates that any proceeding in a civil case may be conducted by a magistrate judge sitting with the consent of the parties." *Peer v. Lewis*, No. 06-60146-CIV, 2011 WL 3300137, at \*5 (S.D. Fla. Aug. 2, 2011) (citation

omitted). “The magistrate judge’s authority when presiding by special designation—and with the consent of the parties—is that of the district court; he or she therefore may perform all of the functions of a district judge.” *Id.* Once consent has been given for a full referral under 28 U.S.C. § 636(c), the district judge’s supervisory authority is limited to consideration of timely motions to vacate the referral. *Id.* (citations omitted).

In the Consent, the parties agree to have Magistrate Judge Augustin-Birch “conduct all further proceedings in this case, including the trial and order the entry of a final judgment.” [ECF No. 53]. Accordingly, it is hereby **ORDERED AND ADJUDGED** that this case be referred to the Honorable Panayotta Augustin-Birch, United States Magistrate Judge, for all further proceedings in this case in accordance with 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and the consent of the parties.

**DONE AND ORDERED** in the Southern District of Florida on September 29, 2025.

  
**DAVID S. LEIBOWITZ**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record